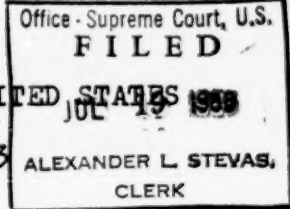


83 - 93

IN THE
SUPREME COURT OF THE UNITED STATES
JULY TERM, 1983



No. _____

ALEXANDER GEE,

PETITIONER,

vs.

ROBERT FUNG, CATHERINE FUNG,
GEORGE FUNG, JACK FUNG,
GABRIEL TORRES, ROBERT M.
NUDELMAN, JOSEPH CAMPBELL,
PATRICK J. MORRIS

RESPONDENTS.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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Pro Se

QUESTION PRESENTED

1. Does the right to procedural due process for default judgment is "absolute" by Authority of the Congress?

If not, does the federal court judge has authority to change wording of a law?

If so, does the opinion of below deprived the right to procedural due process?

2. Is the Immigration Law agisnt crime involving moral turpitude (ADD) absolute?

If not, can the state official acted under "color of law" deprived petitioner's right with false instrumentation for a court and these rights without the due process of the law?

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IN THE
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TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

OPINIPN BELOW

The Court of Appeals for the Ninth
Circuit denied appellant's motion and
suggestion for rehearing on April 25,

1983. A copy of the Order is attached as Appendix A-1. This petition has been filed within 90 days of the court's filed of Order. Supreme Court Rule 33.7.

JURISDICTION STATEMENT

Jurisdiction of this Court is invoked pursuant to 28 USC 1254(3), and any federal rights whether or not capable in itself of being brought here by appeal.

PERTINENT CONSTITUTIONAL AND

STATUTORY PROVISION

UNITED STATES CONSTITUTION:

Article IV Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Amendment XIV Section 1. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

UNITED STATES CODE:

28 USC Section 636(c)(1) Upon the consent of the parties, a full-time United States magistrate or a part-time United States magistrate who serves as a full time judicial officer may conduct any or all proceeding in a jury or nonejury civil matter and order the entry of judgment in the case

28 USC Section 1874 In all action to recover the forfeitive annexed to any articles of agreement, covenant, bond, or other specially, wherein the forfeiture, breach, or nonperformance appears by default, or confession of the defendant, the court shall render judgment for the plaintiff for such amount as is due.

CALIFORNIA CONSTITUTION PROVISION RELATED TO RIGHTS:

Section 7(a) A person may not be deprived of liberty, or property without due process of law or denied equal protection of laws.

Section 21. Property owned before marriage or acquired during marriage by gift, will or inheritance is separate property.

CALIFORNIA CODE OF CIVIL PROCEDURE:

Section 4425(d) Voidable marriage, the consent of either party was obtained by fraud, unless such party afterward, with full knowledge of facts constituting the fraud, freely cohabited with other as husband and wife.

Section 4533 When six months have expired from the date of filing of joint petition from summary dissolution, the court may ... enter the final judgment dissolving the marriage, The clerk shall send a notice of final judgment to each other parties at his or her last known address.

IMMIGRATION LAWS OF THE UNITED STATES:

Part VII Charter 45 Section 7(b)(1)
Crime involving moral turpitude (ADD). The deportability of an alien is not barred by the fact that he was a citizen at time of his conviction.

STATEMENT OF THE CASE

That the respondents, Robert Fung and Catherine Fung was premeditated and enslaved their daughter, Renne Fung (Gee) for the sole purpose of marrying Chinese-American for embezzlement and to bring the Fung Family to come to the United States. Petitioner has accepted their proposal of marriage in good faith and the the Fung Family is a merchant and engaged in the making and saling furniture. But actually, they were pennyless and unemployed unable to support their minor children and living

in borrowing time. The furniture business was owned by their relative and lost. Robert Fung merely a former employee and their home with entrance thru the furniture store is in jeopardy, a sub-leased apartment from the former owner and have no place to move to.

In addition to enslave Rennie Fung (Gee) to embezzled money to help them to their children to go to school, married off their second daughter, living expenses for the whole family in Hong Kong, remodel their home in Hong Kong and bring them to the United States and continued to support them for several years while they are in the United States, the Fung Family, each of them, also conspired Rennie Fung (Gee) to embezzled money to help them for the purchase their home at 444 Lakeshire Drive Daly City, California and money in saving.

The respondent, Gabriel Torres, is

Rennie Fung's latest common-law husband at the time she filed for divorce. Unknown to the petitioner, they been living together shortly after Rennie Fung offered the job in Sourthern Pacific Transportation Company as my wife as a minority trainee. Knowing that the petitioner is in business with property and security. He is using Rennie Fung and in conspiracy with her to violated the Immigration Laws of the United States and embezzelled petitioner's property secured by the Section 1 of the Fourteenth Amendment of the Constitution.

After Rennie Fung (Gee) received the judgment of the Interlocutory, Gabriel Torres made demand from Rennie Fung to sign over one-half they embezzelled. When she refused, Gabriel Torres committed the crime of larceny and unlawfully convey property to Detroit, Michigan which included petitioner's valuable collection of ancient

stamps in Rhoda Gee's custody.

The defendant, Robert M. Nudelman, has conspired petitioner's opposition and filed a covered up complaint for the petitioner and refused to served the complaint and refused to take action after he discovered that the opposition were acted under the "color of laws". The opposition were the respondents of the said case No. 81-2411^{1/} submitted a stipulation and offer the court that can not reconstruct from records and documents in a property right secured by Section 1 of the Fourteenth Amendment of the Constitution of the United States.

That the respondent, Robert M. Nudelman closed his law office at 700 South Flower Street, Los Angeles, California after

^{1/} No judge voted to hear the case, Writ of Certiorarito denied. Petition for Rehearing also denied.

petitioner's Open Brief on Appeal was served on him^{1/}. He fled to avoid prosecution.

That the defendant, Joseph Campbell, acted under "color of law" conspired with the defendants of the said case No 81-2411 by (1) held hearing without authority by California Civil Procedure Section 4533; (2) entered judgment by violated CCPS 4425 (d); (3) denied petitioner the due process of law by conspired the attorneys^{2/} conceal hearing from petitioner and denied him the right of the judgment entered against him; (4) conspired and denied petitioner's written request without inform him of his issue for federal investigation in violation of the Immigration Laws of the United States^{3/}.

^{1/} Appellant's motion to amend list of defendants was denied by circuit judge and order for district court action.

^{2/} Petitioner give written notice to the court that his attorney had discharged.

^{3/} Philip Smith, the immigration officer was in default on complaint of unreasonable in investigation and conspired of deprived equal justice under law CV 82-5179.

(5) affirmed the Interlocutory Judgment which he knew was a conspiracy that can not reconstruct from record and document in a property right secured by Constitution and Laws of the United States; (6) filed false instrumentation for a court in his jurisdiction and destroyed court records of the reporter which incriminate the conspirators.

That the defendant, Patrick J. Morris, acted under the color of law, recess his court, had a secret conference with the opposition attorney in his chamber with a malfeasance agreement against the petitioner, acted without authority and violated California Civil Procedure in motion to vacate and court rule in civil calender, denied petitioner's motion to vacate and affirmed a perjury opposition against petitioner's Motion for Preliminary Injunction. In addition, he filed a false instrumentation for a court in motion to vacate and denied

petitioner the due process of law by withheld the notification of judgment.

WHY CERTIORARI SHOULD BE GRANTED

Petitioner's averment on appeal from the conspiracy to violate the Immigration laws of the United States and to deprived petitioner's property right secured by Section 1 of the Fourteenth Amendment of the Constitution of the United States was denied by due process based on the ground of not given Full Faith and Credit raised the Federal Question for the first time. The Appellate Court's denial by motion of the court, not on ground of any opposition of the defendant's argument in the trial court. It is by recommendation of a United States Magistrate who violated the Congressional Authority Title 28 USC Section 636(c) in petitioner's right to consent^{1/} and denied petitioner's

^{1/} The trial court judge and magistrate also denied petitioner's right to consent in the related cases No. CV 81-5978 and CV 82-5170.

right to default judgment in the trial court in conspiracy to obstruction of justice. Accordingly, it is a double denial of default judgment. The Appellate Court merely affirmed the trial court in toto denied petitioner's right to due process of law.

This Court has said, "The right to procedural due process is 'absolute' in the sense that it does not depend on the merits of a claimant's substantive assertion" Carey v. Piphus, 435 U.S. 266 (1978). This Court also stated that Congress has the power to change the wording of the law, Maine v. Thiboutot, 79-838.

The decision of the Appellate Court's motion to denied petitioner's motion for default judgment was decided in a way in conflict with applicable decisions of this Court and of many federal courts. The default judgment against the Chinese Government in 1911 Railway bonds issue is one.


(see Los Angeles Times Part 1, page 17, February 10, 1983). And in the Immigration issue, this Court has said in the deportation against Romanian Orthodox Bishop Valerian Trifa and against Sylvia "Simone" Binder in violation of moral turpitude (see Los Angeles Herald Examiner page A-7, January 30, 1983. Accordingly, the judgment against petitioner for denying default judgment is an imply discrimination and conspiracy to obstruction of justice.

CONCLUSION

For reason stated, petitioner urges certiorari be issue to review the opinion and judgment of a due process in Good Faith and Credit based on the ground of the Constitution of the United States. It has been said, "opposing party may move for summary judgment under Fed R. C. P. 56 and put claimant to it proof on merit. Perington Wholesale, Inc. v. Burger King, CA 10th, 1980

631 F2d 1369. It is an original jurisdiction in proceeding for extra ordinary relief in nature of certiorair of an important question should be settled by this Court that petitioner's right can not be deprived by perjury and false instrumentation for a court which can not be reconstruted from records and documents. It is a deprivation of a constitution right secured by Section 1 of the Fourteenth Amendment of the Constitution of the United States.

Respectfully submitted:



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FILED

APR 25 1983

PHILIP B. WINBERY
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ALEXANDER GEE,)	
)	
Plaintiff-Appellant,	)	No. 81-5584
)	
vs.	)	DC# CV 81-
	)	2569 MRP
ROBERT FUNG, CATHERINE	)	Central
FUNG, GEORGE FUNG, JACK	)	California
FUNG, GABRIEL TORRES,)	
ROBERT M. NUDELMAN, JOSEPH	)	ORDER
CAMPBELL, PATRICK J. MORRIS)	
)	
Defendants-Appellees)	

Before: ANDERSON and BOOCHEVER, Circuit
Judges

Appellant's motion and suggestion
received on March 18, 1982 are denied,
this appeal is closed, the mandate has
issued and the clerk shall accept no
further filings in this appeal.

APPENDIX A-1

FILED

OCT 05 1982

PHILLIP B WINERARY
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALEXANDER GEE,)	
)	
Plaintiff-Appellant,	)	No. 81-5584
)	
vs.	)	DC# CV-2569
	)	MRP Central
ROBERT FUNG, CATHERINE	)	California
FUNG, GEORGE FUNG, JACK)	
FUNG, GABRIEL TORRES,	)	ORDER
ROBERT M. NUDELLMAN, JOSEPH)	
CAMPBELL, PATRICK J. MORRIS)	
)	
Defendants-Appellees)	

Before: ANDERSON and BOOCHEVER, Circuit
Judges

The court, on its own motion,
summarily affirms the district court's
dismissal of the action. Appellant's
"motion for default judgment" is denied.

APPENDIX A-2

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In Pro Per

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ALEXANDER GEE)	No. 81-5584
)	
Plaintiff-Appellant,	)	NOTICE OF
	)	APPEAL ON
vs.	)	WRIT OF
	)	CERTIORARI
ROBERT FUNG, CATHERINE	)	TO THE
FUNG, GEORGE FUNG, JACK	)	UNITED
FUNG, GABRIEL TORRES,	)	STATES
ROBERT M. NUDELMAN, JOSEPH	)	SUPREME
CAMPBELL, PATERICK J. MORRIS	)	COURT
)	
Defendants,-Appellees)	

NOTICE is hereby given that ALEXANDER GEE, plaintiff-appellant above named, appeals to the United States Supreme Court from denial of appellant's petition for En Bank Hearing filed on April 25, 1983 in the United States Court of Appeals for the Ninth Circuit, pursuant to Title 28 U.S.C.

APPENDIX A-3

1254(3).

That the judgment on the above-entitled action deprived appellant's right in due process of laws in the United States Court of Appeals for the Ninth Circuit and in the United States District Court for Central California by Authority of Congress under Title 28 U.S.C. 46(c), 636(c) and 1874 in en banc hearing, consent for disposed by a Magistrate, and default judgment.

Jurisdiction is conferred on this Court by Authority of the Constitution of the United States under Article III Section 2 in the Immigration Laws of the United States and appellant's right secured by the Fourteenth Amendment of the Constitution of the United States. In addition, authority is also conferred on this Court by Title 42 Sections 1891, 1892, 1893 and 1895 against certain defendants who acted under the "Color of law" that deprived appellant's rights

secured by Constitution and Laws of the United States; and by Title 28 U.S.C.A. Section 1343 and pursuant to the Thirteenth Amendment of the Constitution of the United States to redress the deprivation of rights, privileges and immunities secured thereby.

DATED: June 9, 1983 at Fontana,
California.

/s/ ALEXANDER GEE

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9.